

Notice of Allowability	Application No.	Applicant(s)	
	09/883,761	POPPLEWELL ET AL.	
	Examiner	Art Unit	
	Cynthia Britt	2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 9/7/04.
2. The allowed claim(s) is/are 1-19.
3. The drawings filed on 06 August 2004 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Lynn J. Lamarre
Primary Examiner

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The present invention pertains to a method and apparatus for estimation of error in data recovery. The present invention recites features such as "...the steps of: (A) receiving one or more data pulses each having a data rate; (B) receiving a plurality of clock signals each having a rate similar to the data rate and having a substantially equal phase offset from each other; (C) clocking the one or more data pulses with each of the plurality of clock signals to determine a particular offset of each of the one or more data pulses; (D) counting a number of said one or more data pulses received at different phase offsets; (E) providing a value representing a ratio of the counts at different clock phase offsets; and (F) determining said error for the received data pulses in response to the value." The prior arts (Hee et al. U.S. Patent No. 6,363,111) teach a data signal level error detector providing for the generation of an error signal during an intermediate level state of a multiple level digital signal. Such an error signal represents the error between the actual selected level of the incoming data signal and an estimated level. This error detector can be used advantageously in a baseline wander compensation circuit. The prior arts however, fail to disclose "...the steps of: (A) receiving one or more data pulses each having a data rate; (B) receiving a plurality of clock signals each having a rate similar to the data rate and having a substantially equal phase offset from each other; (C) clocking the one or more data pulses with each of the plurality of clock signals to determine a particular offset of each of the one or more data pulses; (D) counting a number of said one or more data pulses received at different phase offsets;

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(E) providing a value representing a ratio of the counts at different clock phase offsets; and (F) determining said error for the received data pulses in response to the value."

As such, modification of the prior art of record can only be motivated by hindsight reasoning, or by changing the intended use and function of the prior art themselves. Therefore, it is not clear that one of ordinary skill in the art at the time of the invention would have made the necessary modifications to the prior art of record to encompass the limitations set forth in the present application. Moreover, none of the prior arts of record, taken either alone or in combination, anticipate nor render obvious the claimed inventions. Hence, claims 1-19 are allowable over the prior arts of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia Britt whose telephone number is 571-272-3815. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decay can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cc
Cynthia Britt
Examiner
Art Unit 2133

Eugene J. Lamarre
Primary Examiner